

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JEORGIO MILLER,)	Case No.: 1:24-cv-0668 JLT EPG
)	
Plaintiff,)	ORDER ADOPTING IN FULL THE FINDINGS
)	AND RECOMMENDATIONS, DISMISSING
v.)	PLAINTIFF'S COMPLAINT FOR FAILURE TO
)	STATE A CLAIM, AND DIRECTING THE
KINGS COUNTY,)	CLERK OF COURT TO CLOSE THIS CASE
)	
Defendants.)	(Doc. 11)
)	

Jeorgio Miller seeks to hold the defendants liable for violations of his civil rights while housed at Kings County Jail. (Doc. 1.) The magistrate judge screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a) and found Plaintiff failed to state a cognizable claim upon which relief may be granted under 42 U.S.C. § 1983. (Doc. 8.) The Court granted Plaintiff leave to amend, after which he declined the opportunity and chose to "stand on [his] claims." (Doc. 9 at 1.)

After Plaintiff elected to not file an amended complaint, the magistrate judge reiterated the findings made in the initial screening order. (Doc. 11.) Specifically, the magistrate judge found Plaintiff failed to allege acts supporting a conclusion that deputies at Kings County Jail acted with deliberate indifference. (*Id.* at 4-6.) In addition, the magistrate judge found the claim against Kings County Jail itself was "subject to dismissal," because it is an entity of Kings County and Plaintiff failed to allege facts supporting a conclusion that "its specific policies and practices were the moving forces behind the alleged violations of Plaintiff's constitutional rights." (*Id.*) Therefore, the magistrate judge

recommended Plaintiff's complaint be dismissed "for failure to state a claim," and the action be closed. (*Id.* at 6.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 30 days. (Doc. 11 at 6-7.) The Court advised him that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.* at 7, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations dated July 30, 2024 (Doc. 11) are **ADOPTED** in full.
2. Plaintiff's complaint is **DISMISSED** for failure to state a claim.
3. The Clerk of Court is directed to close the case.

IT IS SO ORDERED.

Dated: September 16, 2024


UNITED STATES DISTRICT JUDGE